



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,101	08/04/2003	Junichi Kurihara	450100-04706	5863

7590 04/15/2008
William S. Frommer, Esq.
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

2145

MAIL DATE	DELIVERY MODE
-----------	---------------

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,101	Applicant(s) KURIHARA, JUNICHI	
	Examiner Jeffrey R. Swearingen	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080402</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al. (US 6,154,771) in view of Gupta et al. (US 6,487,538).

5. In regard to claim 1, Rangan disclosed:

content file storing means for storing files of said contents; column 11, lines 53-63

user-oriented content storing means in which a user area of a predetermined size is allocated to each of said users for the storage of a content owned by a corresponding one of the users; column 11, lines 55-63

file managing means for managing the content files stored in said content file storing means and the contents stored in the user areas of said user-oriented content storing means, wherein the file managing means copies content files selected by the user from the content file storing means to the corresponding user area; and column 23, lines 57-60

content delivering means for providing said corresponding user with said contents stored in said corresponding user area, the contents provided to the corresponding user solely as streaming content wherein the content files are not downloadable for permanent storage by the corresponding user, column 23, line 64 – column 24, line 5

wherein each of said users is charged a usage fee proportional to the user area size allocated to the corresponding user in said user-oriented content storing means. Column 21, line 35 teaches the transmission of commercials.

Rangan failed to disclose advertisers who use commercials are charged fees. Rangan further failed to disclose that such fee is a usage fee proportional to the user area size allocated to the corresponding user.

Gupta disclosed an internet advertising system. Web hosts sell advertising space. Gupta, column 1, lines 24-25. Advertising sizes must be known before insertion of an advertisement. Gupta, column 12, lines 23-41. The price may be dependent on the advertisement size. Gupta, column 12, lines 42-50.

In order for Rangan to make the most money off of premium advertisers who buy larger ads, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Gupta's advertising cost basis methods into Rangan to allow for commercial success.

6. In regard to claim 2, Rangan further disclosed:

said content files are moving picture files. Column 21, lines 22-26

7. In regard to claim 3, Rangan further disclosed:

said content management unit further comprises picture processing means for carrying out picture processing to superpose personal information about the corresponding user on a streaming screen of the content being delivered to the corresponding user. Column 21, lines 58-67. The transmission of inserted information such as interactive commercials, dynamic hyperlinks, security information, text captions and other control information are "personal information about the corresponding user".

Art Unit: 2145

8. In regard to claim 4, Rangan further disclosed:

a copied content file is stored into said user area of the corresponding user as the content owned by the corresponding user. Column 21, lines 22-26

9. In regard to claim 5, Rangan further disclosed:

a link file linked to a content file is stored into said user area of the corresponding user in lieu of the content owned by the corresponding user. Column 22, lines 30-40

10. Claim 6 is substantially the same as claim 1.

11. Claim 7 is substantially the same as claims 2-3.

12. Claim 8 is substantially the same as claims 1 and 3.

13. In regard to claim 9, Rangan further disclosed:

the personal information includes a corresponding user identification. Column 21, lines 58-67. The transmission of inserted information such as interactive commercials, dynamic hyperlinks, security information, text captions and other control information are "a user identification".

14. In regard to claim 10, Rangan further disclosed inserting customized text captions over video being streamed to users. Rangan further stated security information and other control information could be inserted in video. See Rangan, column 21, lines 58-61. It would have been obvious to one of ordinary skill in the art that since security and control information could be inserted, that any text information could be inserted into the video of Rangan.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Mason et al. US 6,401,075

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

Art Unit: 2145

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

/J. R. S./
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145